

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

PAUL LUMAN, Individually and On)	
Behalf of All Others Similarly Situated,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 08-0514-CV-W-HFS
)	
PAUL G. ANDERSON, et al.,)	
)	
Defendants.)	

ORDER

A motion to dismiss has been filed in this Securities Litigation (Doc. 28) and is under advisement. Lead plaintiffs have filed a “request for judicial notice” (Doc. 46), which is opposed and to which a reply has been filed (Doc. 50).

The parties discuss an Eighth Circuit case in which there was an affirmance of a denial of judicial notice of a sentencing memorandum apparently filed by the Government in supposedly related criminal litigation. Kushner v. Beverly Enterprises, Inc., 317 F.3d 820, 832 (2003).

This case is still at the interlocutory state and it would be premature to discuss the significance of the federal court pleadings in other districts to which plaintiffs refer. Regardless of possible pertinence or meaningless status, the pleadings are entitled to “judicial notice” in a narrow sense; that is, I will consider that the filings are authentic and were made in other courts.

Treating as a motion the request for judicial notice in the narrow sense referred to here, the motion (Doc. 46) is hereby GRANTED, subject to further evaluation, if necessary, in connection with the pending motion to dismiss.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

September 2, 2010

Kansas City, Missouri